

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RACHAEL ANNE ELROD, ANDREW KAUFMAN, SARAH MARTIN, and BROOKS BRASFIELD, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

NOTAX4NASH, MICHELLE FOREMAN, KAREN MOORE, and JOHN DOES 1-10,

Defendants.

**Case No. 3:20-cv-00617
consolidated with Case No. 3:20-cv-00618**

**District Judge Eli J. Richardson
Magistrate Judge Barbara D. Holmes**

CLASS ACTION

JURY TRIAL DEMANDED

PLAINTIFFS' MOTION TO DROP DEFENDANTS JOHN DOES 1-10

Plaintiffs Rachael Anne Elrod, Andrew Kaufman, Sarah Martin, and Brooks Brasfield, on behalf of themselves and the Class, respectfully move the Court pursuant to Rule 21 to drop Defendants John Does 1-10 from the case.

In the Sixth Circuit, Rule 21, not Rule 41(a), governs motions to dismiss claims against fewer than all defendants. *See Cunningham v. Rapid Capital Funding, LLC/RCF*, No. 3:16-CV-2629, 2019 WL 5783670, at *1 (M.D. Tenn. Nov. 6, 2019) (Richardson, J.). It provides that “On motion or on its own, the court may at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21. Here, the interests of justice and judicial efficiency would be served by dropping Defendants John Does 1-10 from this action because, based on the information revealed in discovery to date, Plaintiffs have identified the individuals Plaintiffs believe are responsible for

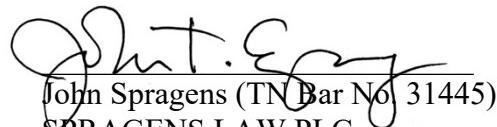
the robocalls at issue in this case. Additional John Doe defendants are unneeded. Accordingly, Plaintiffs respectfully ask the Court to drop Defendants John Does 1-10 from this action.

Class counsel conferred with counsel for Defendants and Third-Party Defendants.

Counsel for Defendant/Third-Party Plaintiff Foreman and counsel for Third-Party Defendant Gergley/Hypermetrics LLC did not oppose the relief. Counsel O'Dell for Defendant/Third-Party Plaintiff Karen Moore stated that he did not "have plans to object" to the motion but could not "commit without seeing the final version" of it.

Date: August 16, 2021

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Drop was filed via the Court's CM/ECF system and served electronically upon the following:

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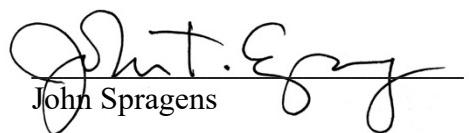
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DATED: August 16, 2021



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